

ADJUDICATION OF WATER RIGHTS - NEW USE SUMMONS (3-May-04)**WHY DID I RECEIVE A NEW USE SUMMONS?**

Because the property you own is located within lands drained by either the Gila River or Little Colorado Rivers and their tributaries, the use of water on your property may be affected by on-going court proceedings known as the Gila River Adjudication and the Little Colorado River Adjudication. The adjudications are comprehensive court proceedings to determine the nature, extent, and relative priority of rights to use water in the Gila River System and Source and the Little Colorado River System and Source. The Arizona Department of Water Resources (ADWR) serves new use summons periodically to property owners within the adjudication boundaries. You are being served with a new use summons because the records of ADWR indicate that you may have initiated a new use of water since the last summons was issued.

WHAT IS A NEW USE SUMMONS?

A new use summons is an order from either the Maricopa County Superior Court (Gila River Adjudication) or the Apache County Superior Court (Little Colorado River Adjudication) that directs you to assert any claims to water rights that you may have by filing the appropriate court-approved forms. These forms are known as Statements of Claimant (SOCs).

WHAT DO I NEED TO FILE?

For each type of water use, you must file a Statement of Claimant (SOC) that describes your claimed water right. For each of the watersheds in the two adjudications, there are four court-approved SOC forms. The form you need to file depends on your type of water use. There is an SOC form for each of the following uses: (1) domestic, (2) irrigation, (3) stockpond, and (4) other uses. You may need to file more than one SOC. You may download copies of the SOC forms from ADWR's website www.water.az.gov, or contact ADWR for assistance. See "HOW DO I CONTACT ADWR FOR FORMS AND TO ANSWER QUESTIONS?" at the end of this document.

HOW DO I DOWNLOAD FORMS?

At ADWR's website www.water.az.gov, click on "FORMS." Locate the correct form and do one of two things:

1. Print directly from the web page, or
2. Right click on the form you wish to obtain and select "Save Target As" in Internet Explorer or "Save Like As" in Netscape. Choose a directory on your hard disk drive where you wish to save the form. Then you may open the file and print it.

Please note that the forms are Adobe Acrobat documents. To work with these files, you will need to obtain and install the Acrobat Reader. If you do not have Acrobat Reader, you may obtain a free copy from www.adobe.com.

HOW DO I LOCATE MY WATERSHED?

You may locate your watershed by viewing or downloading the map (*11.7 MB in size*) on ADWR's website www.water.az.gov. You may also contact ADWR for assistance. See "HOW DO I CONTACT ADWR FOR FORMS AND TO ANSWER QUESTIONS?" at the end of this document.

HOW MUCH DOES IT COST TO FILE AN SOC?

The filing fee for an individual is \$20.00 for each SOC filed, unless there is more than one use served from a common source of supply. If more than one use is served from a common source of supply, and more than one SOC must be filed, then only one filing fee of \$20.00 must be paid. The filing fee for a corporation,

municipal corporation, the State or any political subdivision, or an association or partnership is two cents for every acre-foot of water claimed per year, or \$20.00, whichever is greater.

HOW DO I PAY?

The filing fees may be paid in cash (in person only), by credit card, or by check or money order made payable to the "Arizona Department of Water Resources." Unless the filing fees have been paid in full, your water right will not be included in the adjudication process.

DO I NEED TO FILE AN SOC EVEN THOUGH I ALREADY HAVE A PERMIT, CERTIFICATE, OR OTHER APPROVAL FROM ADWR?

Yes, you must file an SOC so that the adjudication court will be aware that you are claiming a right to use water. Even though you may have already received a permit, certificate or other form of approval from ADWR for your water uses, an SOC must be filed for the adjudication process. The adjudication court will ultimately determine the nature, extent, and relative priority of all water rights for which an SOC has been filed.

DO I OBTAIN A WATER RIGHT BY FILING AN SOC?

No, you do not obtain a right to use water by filing an SOC. Rights to use water must be acquired in accordance with state law. Under state law, in order to initiate a new use of water, or to increase the amount of water used under a current water right, you must obtain the appropriate permit, certificate, or other approval from ADWR.

SHOULD I FILE AN SOC IF I USE WATER FROM A WELL?

The adjudication process may include water uses from a well, depending upon the location of the well and other factors. For each watershed, ADWR provides a report to the adjudication courts that identifies all uses of water within the watershed, including uses from a well. ADWR encourages you to file an SOC so that any water right you may have will be part of the adjudication process.

WHAT HAPPENS IF I DO NOT FILE?

If you do not file an SOC, you may lose your water right, and you may be prevented from asserting that water right later. This could happen even though you have received a permit, certificate, or other approval from ADWR.

WHAT IF I HAVE SOLD THE PROPERTY WHERE I USE MY WATER RIGHT?

If you have sold the property where you use your water right, you should contact ADWR so that the new owners may be contacted. If you sold your property and you have already filed an SOC, you should complete the form entitled "ASSIGNMENT" of Statement of Claimant.

The assignment form may be downloaded from ADWR's website www.water.az.gov, or you may obtain a form by contacting ADWR.

See "HOW DO I CONTACT ADWR FOR FORMS OR TO ANSWER QUESTIONS?" at the end of this document.

WHEN DO I HAVE TO FILE AN SOC?

Generally, you should file your SOC within 90 days of receipt of the new use summons. However, state law allows you to file an SOC even after the initial 90-day period. Upon filing your SOC, you will be entitled to receive notification of adjudication activities that may affect your water rights.

ARE THERE ANY OTHER REQUIREMENTS?

After you file an SOC, you must notify ADWR of any of the following: (1) a change in your address; (2) an assignment of your SOC to another person; (3) a transfer to another person of all or part of the land for which a water right has been claimed; and (4) a transfer to another person of all or part of the water right claimed when the water right is severed and transferred to another parcel of land. You must notify ADWR within 30 days of any of these changes using forms approved by the adjudication courts. Copies of the forms are available from ADWR or by downloading them from ADWR's website www.water.az.gov. See "HOW DO I CONTACT ADWR FOR FORMS OR TO ANSWER QUESTIONS?" below.

HOW DO I CONTACT ADWR FOR FORMS OR TO ANSWER QUESTIONS?

Forms may be downloaded from ADWR's website, www.water.az.gov. See "HOW DO I DOWNLOAD FORMS?" on page 1. Forms are also available upon request to ADWR at the following address and telephone number:

Arizona Department of Water Resources
500 N. 3rd Street
Phoenix, Arizona 85004
1-866-246-1414

You may also call this number for answers to questions you may have about the new use summons and the adjudication process. Please note that ADWR receives a high volume of telephone calls regarding the adjudications, and staff responds to calls in the order they are received. If you leave a message, your call will be returned as soon as possible. However, reductions in statewide services stemming from budget cuts may result in delays. Thank you for your patience.